

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF B & H GAS COMPANY) CASE NO.
TO FILE REQUIRED REPORTS) 2011-00315

O R D E R

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission, on or before March 31 of each year, a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.990 provides penalties for utilities that fail to file the required reports.

B & H Gas Company owns, controls, operates, and/or manages facilities in the Commonwealth of Kentucky which are used for the production, manufacture, storage, distribution, sale and/or furnishing of natural or manufactured gas, or a mixture of same, to or for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.¹

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or any Commission regulation shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.

¹ KRS 278.010(3)(b).

On December 15, 2010, the Commission provided to B & H Gas Company the standard forms for the annual financial and statistical report. According to Commission records, B & H Gas Company has yet to file its gas distribution annual report for the 2010 calendar year. The absence of this report is *prima facie* evidence that B & H Gas Company willfully failed to comply with KRS 278.230(3).

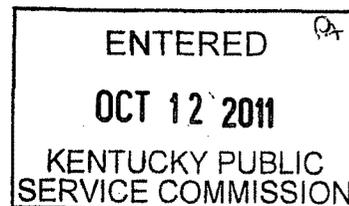
IT IS THEREFORE ORDERED that:

1. B & H Gas Company shall file with the Commission, no later than October 20, 2011, its gas distribution annual report for the 2010 calendar year.
2. B & H Gas Company shall appear on October 27, 2011, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of showing cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with KRS 278.230(3).
3. If B & H Gas Company desires to waive its right to a hearing in this matter, it shall, no later than October 20, 2011, file the required report and pay a penalty of \$250. Payment of the penalty shall be made by certified check or money order made payable to the Treasurer, Commonwealth of Kentucky, and shall be delivered to the Office of General Counsel, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602-0615.

ATTEST:


Executive Director

By the Commission



Bud Rife
President
B & H Gas Company
P. O. Box 339
Harold, KY 41635